

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1761

January 30, 2022

SUMMARY OF BILL: Creates an offense of assault against a sports official while the official is officiating a sporting event.

FISCAL IMPACT:

Increase State Expenditures – \$71,700 Incarceration

Assumptions:

- The proposed legislation creates a Class E felony offense of assault against a sports official if a person:
 - Intentionally, knowingly, or recklessly causes bodily injury to a sports official while the official is officiating a sporting event; or
 - Intentionally or knowingly causes a sports official, while the official is officiating a sporting event, to reasonably fear imminent bodily injury.
- Pursuant to Tenn. Code Ann. § 39-13-101(b)(1)(A) – (B), assault by intentionally, knowingly, or recklessly causing bodily injury to another or intentionally or knowingly causing another to reasonably fear imminent bodily injury, is a Class A misdemeanor offense, punishable by incarceration and a fine not to exceed \$15,000.
- Based on information provided by the Administrative Office of the Courts (AOC), there has been an average of 560.9 Class A misdemeanor convictions of assault in each of the last 10 years.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 5,609 convictions (560.9 / 10.0%) per year for Class A misdemeanor assault.
- It can be reasonably assumed that one tenth of one percent or 5.6 (5,609 x 0.10%), of such convictions will be classified as a Class E felony under this legislation. The average time served for a Class E felony offense is 0.66 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 67,300	FY22-23
\$ 67,800	FY23-24
\$ 68,300	FY24-25
\$ 68,800	FY25-26
\$ 69,300	FY26-27
\$ 69,800	FY27-28
\$ 70,200	FY28-29
\$ 70,700	FY29-30
\$ 71,200	FY30-31
\$ 71,700	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring cost increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$71,700.
- The proposed legislation creates a Class A misdemeanor of assault against a sports official if a person intentionally or knowingly causes physical contact with a sports official while the official is officiating a sporting event and a reasonable person would regard the contact as extremely offensive or provocative.
- Pursuant to Tenn. Code Ann. § 39-13-101(b)(1)(C), assault by intentionally or knowingly causing physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative is a Class B misdemeanor.
- The analysis assumes:
 - Individuals convicted of a Class A misdemeanor offense of assault resulting from the proposed legislation would be convicted of a Class B misdemeanor offense of assault under current law; and
 - Individuals convicted of a Class E felony offense of assault resulting from the proposed legislation would be convicted of a Class A misdemeanor offense of assault under current law.
- Any increase in local incarceration expenditures associated with the enhancement of Class B misdemeanors to Class A misdemeanors will be offset by corresponding decreases in local incarceration expenditures associated with the enhancement of Class A misdemeanors to Class E felonies. The net impact in local incarceration expenditures is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

/vh